

REMARKS

Claims 1-38 remain in this application. Claims 39-50 have been previously cancelled. Claims 1, 16-19, 33-35, and 38 have been amended. No new matter has been entered.

Information Disclosure Statement

Applicants submit a copy of the four WO publications as originally identified in the IDS of December 9, 2005. Copies of these publications were to be provided by the International Bureau upon national stage entry. However, it does not appear the IB provided the copies of the publications. To ensure consideration of the references, applicants submit a copy of the references for the examiner's consideration.

Objection to the Claims

The examiner objected to the claims 1-18. Claim 1 has been amended as suggested by the examiner. Claim 1 overcomes the objection at least based on the amendment. Dependent claims 2-18 overcome the objection based on their dependency from amended claim 1.

Rejection of Claims 19-38 under 35 USC § 101

Claims 19-38 stand rejected under 35 USC § 101. Applicants traverse the rejection.

Claim 19 has been amended to recite "recording the formatted source data on the optical disc" to tie the method to a machine as required by *In re Biskis*.

Claim 38 has been amended as suggested by the examiner.

Dependent claims 20-37 overcome the rejection in light of the amendments to claim 19.

Rejection of Claims 16-38 under 35 USC § 112, Second Paragraph

Claims 16-38 stand rejected under 35 USC § 112, second paragraph. Applicants traverse the rejection.

Claims 16-19 and 33-35 have been amended to overcome the rejections. Dependent claims 20-32 and 36-37 overcome the rejection based on the amendments to the above claims. Claim 38 overcomes the rejection based on the amendment to claim 19.

Rejection of Claims 1, 3-7, 16-19, 21-25, 33-36 and 38 under 35 USC § 102(e) over Alcalay

Claims 1, 3-7, 16-19, 21-25, 33-36, and 38 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,988,206 to Alcalay et al. Applicants traverse the rejection.

Claim 1 recites:

“... the table of contents indicating a first start position, wherein:

...

b. the track is located at a second start position different from said first start position; and

c. the session further includes an index indicating said second start position, such that a second optical disc reader is enabled to read the track by reading the second start position from the index.”

The examiner relies Alcalay’s Q channel to disclose the track located at the second start position. Alcalay’s Q channel is altered to represent a modified absolute or relative track time (see column 6, lines 3-6 and 10-13). The original track time may be stored in other sub-code channels (column 6, lines 47-52).

However, the ‘altered time’ is the same as the ‘original time’ at the start of each track, is altered relative to the original time during each track, and returns to the original time at the beginning of the next track. See Table 1 and column 6, lines 35 to 39, which suggests that it is essential to return the ‘altered time’ to normal at the start of each track, so as not to adversely affect stereo playback of audio.

Hence, Alcalay does not disclose that a track would start at another time to that indicated in the Q channel. Instead, the ‘altered time’ as specified in the Q channel is the same as the ‘original time’ at the start of the track and is not corrupted at that point. In summary, Alcalay fails to disclose at least a track located at a second start position different from a first start position indicated by a table of contents.

Further, applicants note the examiner interprets the first start position as being the lead-in to the program area (column 5, lines 53-54). However, the lead-in area itself contains the table of contents (see column 5, lines 65-67), which is not corrupted. The alteration of the Q channel only

occurs in the program area - see Table 1. As such the first start position cannot be in Alcalay's lead-in to the program area.

Hence, claim 1 is novel over Alcalay.

Claims 19 and 38 are novel over Alcalay for similar reasons.

Dependent claims 3-7, 16-18, 21-25, and 33-36 are allowable at least as being dependent on one of claims 1 and 19.

Rejection of Claims 8-15 and 26-32 under 35 USC § 103 over Alcalay in view of Vandewater

Claims 8-15 and 26-32 stand rejected under 35 USC 103(a) as being unpatentable over Alcalay in view of U.S. Patent Application Publication No. 2004/0103115 to Vandewater et al. Applicants traverse the rejection.

Vandewater fails to provide the teachings missing from Alcalay. Accordingly, claims 8-15 and 26-32 are allowable at least as being dependent on one of claims 1 and 19.

Rejection of Claims 2, 20 and 37 under 35 USC § 103 over Alcalay in view of the Examiner's Statement of the Prior Art

Claims 2, 20 and 37 are rejected under 35 USC 103(a) as being unpatentable over Alcalay in view of the examiner's statement of the prior art. Applicants traverse the rejection.

The examiner's statement of the prior art and the modification of Alcalay does not address the failings of Alcalay identified above. Accordingly, claims 2, 20, and 37 are allowable at least as being dependent on one of claims 1 and 19.

Applicants submit the application is in condition for allowance.

If any fees are due, the Director is authorized to debit deposit account number 19-0733 in the appropriate amount.

Respectfully submitted,
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Dated: December 8, 2010

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